

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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AMY KRAUSS,

Plaintiff,

v.

06-cv-276

OMV MEDICAL, INC.,

Defendant.

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THOMAS J. McAVOY  
Senior United States District Judge

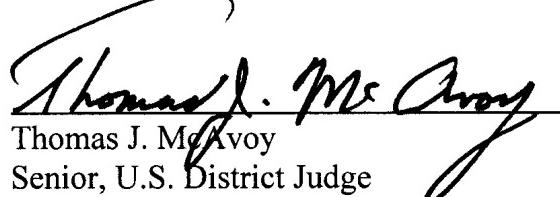
**ORDER**

Upon consideration of the parties' submissions and oral arguments in connection with Defendant OMV's motion to dismiss and in accordance with the Court's decision which was read into the record in open court on Tuesday, June 13, 2006, it is hereby ORDERED that Defendant's motion to dismiss is DENIED in its entirety.

It is further ORDERED that Plaintiff's cross-motion to dismiss and/or remand for lack of subject matter jurisdiction is DENIED with leave to renew upon a showing that OMV is either incorporated, or has its principal place of business, in the State of New York. See 28 U.S.C. § 1332(c)(1). The mere fact that OMV may be licensed or otherwise authorized to do business in New York does not make it a New York citizen for purposes of diversity jurisdiction. See *Conners v. Tupperware Worldwide, Inc.*, 2002 WL 31663508 (W.D.N.Y. 2002); *Grady v. Stoever*, 968 F.Supp. 334, 335 (S.D. Tex. 1997).

IT IS SO ORDERED.

Dated: June 16, 2006

  
Thomas J. McAvoy  
Senior, U.S. District Judge